



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/829,557

04/22/2004

Benjamin A. Knott

130332.00073

6361

31625 7590 06/20/2007
BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER

PATEL, HEMANT SHANTILAL

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,557	Applicant(s) KNOTT ET AL.	
	Examiner Hemant Patel	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2007 has been entered. Claims 1-22 are pending in this application.
2. Applicant has not addressed claim objections indicated in the previous Office Action. Any future response to this Office Action without addressing these claim objections will be considered Non-Responsive.

Response to Arguments

3. Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive.
4. **Regarding claim 1**, the Applicant argues (Remarks, pg. 8, ll. 23-pg. 9, ll. 8) that claim 1 as amended recites HTU instructions to instruct a user how to use or operate services or products, and Norton's how to instructions instruct a user how to use the described interface to order a product. The Examiner respectfully disagrees. Norton's interface describes how to use the ordering service to order a product. Norton provides a "HELP" to operate the ordering service at any instance, "CHOICES" to operate the service at any instance (col. 10, ll. 52-67; col. 14, ll. 1-8; col. 20, ll. 1-15). These help and choices are specific to an instance in processing of the dialog to guide the user. In

Art Unit: 2614

response to applicant's argument that Norton's how to instructions are to order a product while the Applicant's claim is for how to instructions to use a service or a product, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. **Regarding claim 2**, the Applicant has made similar arguments as those for claim 1 (Remarks, pg. 9, ll. 23-pg. 10, ll. 4). Refer to Response to Arguments for claim 1 above.

6. **Regarding claim 13**, the Applicant has made similar arguments as those for claim 1 (Remarks, pg. 10, ll. 17-26). Refer to Response to Arguments for claim 1 above.

Response to Amendment

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

8. Claims 1, 2, 6-8, 10, 13, 21-22 are objected to because of the following informalities: These claims recite "service/product" several times. It is not clear if it is meant to be "service and product" or if it is meant to be "service or product".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 4-8, 12-13, 15-17, 19, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Norton (US Patent No. 6,510,411 B1).

Regarding claim 1, Norton teaches a method of providing a verbal dialog interface for a caller to an automated self-service “How to use” (HTU) call system (providing step by step guided instructions for the service of ordering a product i.e. sandwich, drink, airline flight reservation service), comprising the steps of:

grouping services/products into categories (Fig. 3A, order grouping of sandwich, side and drink; another grouping of sandwich made of turkey pastrami, grilled cheese and tuna salad, col. 7, ll. 64-66);

associating one or more topics with each service/product (associating sandwich, drink and side with order service);

storing at least one dialog module for each topic, such that the dialog module can be played as a voice message of instructions to the caller (topics are represented as tasks and subtasks with their individual structure of prompts, responses, help messages representing individual dialog, col. 15, ll. 52-col. 17, ll. 34), wherein HTU instructions include instructions about how to use the service/product associated with the HTU topic corresponding to the HTU dialog module (col. 13, ll. 1-16, providing instructions on how

Art Unit: 2614

to use this system service at any specific task (topic). This is a common feature for each task i.e. service or product; col. 4, ll. 23-col. 5, ll. 2; dialog manager is generic and implements any service or product information; col. 10, ll. 52-67; col. 14, ll. 1-8; col. 20, ll. 1-15; instructions on Help and Choices are specific to a particular instance in the processing of a dialog module i.e. selected topic);

wherein some topics have more two or more dialog modules to be played as a set, different topics having different numbers of dialog modules (col. 8, ll. 4-11, topic of sandwich will have multiple dialogs of different types of sandwiches i.e. tuna salad and different types of bread with this type of sandwich; col. 8, ll. 60-63, sandwich topic is followed by prompt for asking for side order and available choices of side order played as a set; col. 9, ll. 10-12, another set of dialog played as a set for sandwich selection topic is drink);

during a call from a caller, prompting the caller to name or describe a service/product or to ask for a list of services/products, and receiving a response from the caller (col. 5, ll. 15-32);

in response to the prompting step, recognizing the caller's response such that unsupported services/products are recognized and an appropriate message is played (col. 24, ll. 54-56, col. 27, ll. 13-23);

in response to the prompting step, if the caller asks for a list of services/products, providing a spoken list of categories and receiving a response from the caller (caller asking for choices col. 10, ll. 60; for order will get a list of sandwich, side and drink categories defined by roles for order service);

in response to either the preceding prompting or providing step, determining if a response from the caller is to be disambiguated (col. 3, ll. 59-61, col. 27, ll. 13-23, col. 30, ll. 37-40);

disambiguating the response by determining if the response corresponds to a category having more than one service/product, and if so, providing a list of services/products within that category, prompting the caller for a response, and recognizing the caller's response (provide list of sandwich, side and drink defined by roles for order service category);

based on one or more of the caller's responses, recognizing the caller's selected service/product (caller input is confirmed and recognized, col. 18, ll. 31-37);

providing the caller with a list of topics associated with the selected service/product and recognizing the caller's selected topic (col. 9, ll. 5-6, list of side order topics and recognizing selection i.e. 'Good choice!', col. 9, ll. 3); and

playing to the caller the HTU instructions in the at least one dialog module stored for the selected topic (col. 19, ll. 64-col. 20, ll. 15, task independent global message for instructions to use the system at any task (topic) level is standard dialog for any selected task (topic)), such that if the selected topic has two or more associated dialog module to be played as a set (col. 8, ll. 4-11, topic of sandwich will have multiple dialogs of different types of sandwiches i.e. tuna salad and different types of bread with this type of sandwich; col. 8, ll. 60-63, sandwich topic is followed by prompt for asking for side order and available choices of side order played as a set; col. 9, ll. 10-12, another set of dialog played as a set for sandwich selection topic is drink), the caller may

request to have the HTU instructions in any selected dialog module in the set repeated (col. 10, ll. 58-67, instructions associated with 'order' topic, with a REPEAT option for any topic in 'order' category an be requested for repetition);

wherein each of the above the prompting and providing steps are part of a unique dialog module associated with that step, such that each dialog module has at least one timeout process and at least one retry process (each topic is task or subtask and each has timeout for response and repeating the step, col. 25, ll. 8-9, col. 34, ll. 7-12).

Regarding claim 2, Norton teaches a method of providing a verbal dialog interface for a caller to an automated self-service "How to use" (HTU) call system (providing step by step guided instructions for the service of ordering a product i.e. sandwich, drink, airline flight reservation service), comprising the steps of:

grouping services/products into categories (Fig. 3A, order grouping of sandwich, side and drink; another grouping of sandwich made of turkey pastrami, grilled cheese and tuna salad, col. 7, ll. 64-66);

associating one or more topics with each service/product (associating sandwich, drink and side with order service);

storing at least one dialog module for each topic, such that the dialog module can be played as a voice message of instructions to the caller (topics are represented as tasks and subtasks with their individual structure of prompts, responses, help messages representing individual dialog, col. 15, ll. 52-col. 17, ll. 34), wherein HTU instructions include instructions about how to use the corresponding service/ products (col. 13, ll. 1-

Art Unit: 2614

16, providing instructions on how to use this system service at any specific task (topic).

This is a common feature for each task i.e. service or product; col. 4, ll. 23-col. 5, ll. 2;

dialog manager is generic and implements any service or product information; col. 10, ll.

52-67; col. 14, ll. 1-8; col. 20, ll. 1-15; instructions on Help and Choices are specific to a

particular instance in the processing of a dialog module i.e. selected topic);

wherein some topics have more two or more dialog modules to be played as a set, different topics having different numbers of dialog modules (col. 8, ll. 4-11, topic of sandwich will have multiple dialogs of different types of sandwiches i.e. tuna salad and different types of bread with this type of sandwich; col. 8, ll. 60-63, sandwich topic is followed by prompt for asking for side order and available choices of side order played as a set; col. 9, ll. 10-12, another set of dialog played as a set for sandwich selection topic is drink);

during a call from a caller, prompting the caller to select a service/product for which the caller desires HTU instructions, and receiving one or more service/product responses from the caller (col. 5, ll. 15-32; col. 8, ll. 44-col. 11, ll. 24, prompting for sandwich, side order and drink at each response for selected topic further prompting for specific choices for selected topic and getting caller response);

based on one or more of the caller's responses, recognizing the caller's selected service/product (caller input is confirmed and recognized, col. 18, ll. 31-37);

providing the caller with a list of topics associated with the selected service/product and recognizing the caller's selected topic (col. 9, ll. 5-6, list of side order topics and recognizing selection i.e. 'Good choice!', col. 9, ll. 3); and

Art Unit: 2614

playing to the caller the HTU instructions in the at least one dialog module stored for the selected topic (col. 19, ll. 64-col. 20, ll. 15, task independent global message for instructions to use the system at any task (topic) level is standard dialog for any selected task (topic)), such that if the selected topic has two or more associated dialog module to be played as a set (col. 8, ll. 4-11, topic of sandwich will have multiple dialogs of different types of sandwiches i.e. tuna salad and different types of bread with this type of sandwich; col. 8, ll. 60-63, sandwich topic is followed by prompt for asking for side order and available choices of side order played as a set; col. 9, ll. 10-12, another set of dialog played as a set for sandwich selection topic is drink), the caller may request to have the HTU instructions in any selected dialog module in the set repeated (col. 10, ll. 58-67, instructions associated with 'order' topic, with a REPEAT option for any topic in 'order' category an be requested for repetition);

Regarding claim 4, Norton teaches the dialog interface for a telephone call system (col. 5, ll. 15-33).

Regarding claim 5, Norton teaches of recognizing with natural language speech recognition techniques (Fig. 1, items 120, 130; col. 5, ll. 15-20).

Regarding claim 21, Norton teaches the method, wherein prompting the caller to select a receiving one or more service/product responses from the caller service/product and comprises:

prompting the caller to name or describe a service/product or to request a list of services/products (col. 5, ll. 15-32);

Art Unit: 2614

if the caller requests a list of services/products, providing a list of categories to the caller (caller asking for choices col. 10, ll. 60; for order will get a list of sandwich, side and drink categories defined by roles for order service);

identifying a response from the caller that corresponds to a particular category having more than one service/product (col. 3, ll. 59-61, col. 27, ll. 13-23, col. 30, ll. 37-40); and

disambiguating the identified response, wherein the disambiguating includes providing a list of services/products within the particular category and prompting the caller for a selection (provide list of sandwiches, sides and drinks defined by roles for order service category and receive the selection response).

Regarding claim 6, Norton teaches of timeout for response and reprompting (col. 34, ll. 7-12, not replied within some preset amount of time).

Regarding claim 7, Norton teaches of retry for response and reprompting (col. 34, ll. 7-12, reissue the current prompt).

Regarding claim 8, Norton teaches of recognizing unsupported topics and playing an appropriate message (col. 24, ll. 54-56, col. 27, ll. 13-23).

Regarding claim 12, Norton teaches of having 'help' prompt and recognizing 'help' response for each task or subtask i.e. category or topic and providing corresponding information (col. 20, ll. 12-13, col. 10, ll. 58-67; col. 14, ll. 1-8).

Regarding claim 13, Norton teaches of a system for providing a verbal dialog interface for a caller to an automated self-service call system, comprising:

a module (task) to prompt the caller to name or describe a service/product or to ask for a list of services/products, and for recognizing the caller's response (col. 8, ll. 55, "What type of sandwich do you want?");

a module to provide a list of service/product categories to the caller, and to receive and recognize the caller's selection from the list of categories (col. 9, ll. 22-24, prompting with "What kind of bread would you like your grilled cheese sandwich on?" with a filler list of "white", "rye" and "whole wheat");

an Information process (module configured) to provide the caller with a list of topics associated with a selected service/product, and to recognize the caller's selected topic (col. 9, ll. 5-6, providing a list of side order topics and recognizing selection i.e. 'Good choice!', col. 9, ll. 3);

Information modules for providing the caller with verbal HTU instructions associated with the selected topic, the HTU instructions including instructions for using the selected service/product (col. 13, ll. 1-16, providing instructions on how to use this system service at any selected task (topic). This is a common feature for each task i.e. service or product; col. 4, ll. 23-col. 5, ll. 2; dialog manager is generic and implements any service or product information; col. 10, ll. 52-67; col. 14, ll. 1-8; col. 20, ll. 1-15; instructions on Help and Choices are specific to a particular instance in the processing of a dialog module i.e. selected topic); and

wherein at least one topic has more than one associated Information module, different topics having different numbers of Information modules (col. 8, ll. 4-11, topic of sandwich will have multiple dialogs of different types of sandwiches i.e. tuna salad and

different types of bread with this type of sandwich; col. 8, ll. 60-63, sandwich topic is followed by prompt for asking for side order and available choices of side order played as a set; col. 9, ll. 10-12, another set of dialog played as a set for sandwich selection topic is drink. Thus sandwich topic will have multiple dialog modules each sandwich type having different set of available breads. Moreover, these sets of dialog modules will be different from those for sides and drinks);

Regarding claim 22, Norton teaches the method, further comprising:

a disambiguation decision process for determining whether the caller has responded with a category having more than one associated service/product (col. 30, ll. 37-40);

a disambiguation process for providing a list of services/products, and for recognizing the caller's spoken selection from the list (col. 30, ll. 37-40, inherent disambiguator for every task i.e. dialog);

Regarding claim 15, refer to rejection for claim 6 and claim 13.

Regarding claim 16, refer to rejection for claim 7 and claim 13.

Regarding claim 17, refer to rejection for claim 12 and claim 13.

Regarding claim 19, refer to rejection for claim 8 and claim 13.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3, 10, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claims 2, 13 above, and further in view of Elsey (US Patent Application Publication No. 2002/0055351 A1).

Regarding claim 3, Norton does not teach of prompting for the caller's phone number.

However, in the same field of endeavor, Elsey teaches of a system prompting the caller to supply the caller's phone number before providing service (paragraph 0060, user supplies necessary identification when ANI is not available).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include providing caller's phone number as taught by Elsey in order to charge and bill correctly for the service provided to the caller calling from anywhere in the world when ANI is not available.

Regarding claim 10, Norton does not teach of providing pricing information.

However, in the same field of endeavor, Elsey teaches of a system storing and providing pricing information, which varies with time (paragraph 0038) and further determines caller's phone number stored in the CID data (Paragraph 0076).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include providing pricing information and also determine storage of caller's phone number as taught by Elsey in order to enable the caller to make informed decision about the purchase and also to get a return call at a place where the call will be available.

Regarding claim 20, refer to rejection for claim 10 and claim 13.

14. Claims 9, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claims 2, 13 above, and further in view of Beyda (US Patent Application Publication No. 2001/0014146 A1).

Regarding claim 9, Norton does not teach of listing topics in order of frequency.

However, in the same field of endeavor, Beyda teaches of keeping track of selection of menu offerings by recording its usage (paragraphs 0028, 0050-0052).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include keeping the record of prompt selection according to responses as taught by Beyda so that "user's menu commands are provided in an updated order according to the frequency of use" (Beyda, Paragraph 0028).

Regarding claim 18, refer to rejection for claim 9 and claim 13.

15. Claims 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norton as applied to claims 2, 13 above, and further in view of Macleod Beck (US Patent Application Publication No. 2001/0025309 A1).

Regarding claim 11, Norton does not teach of taking a survey.

However, in the same field of endeavor, Macleod Beck teaches of taking client survey (paragraph 0114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include taking a client survey as taught by Macleod Beck in order to compile the historical service usage data for future targeted marketing.

Regarding claim 14, Norton teaches of prompting and collecting response from caller. Norton does not teach of taking a survey.

However, in the same field of endeavor, Macleod Beck teaches of taking client survey after the step of client information collection (paragraph 0114, after steps of collecting telephony options and IPNT options).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Norton to include taking a client survey after client information collection as taught by Macleod Beck in order to compile the historical usage data for future targeted marketing.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,999,908 Abelow

US Patent Application Publication No. 2001/0037363 Battilega

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel
Examiner
Art Unit 2614

HSP

HSPtd

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600